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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/676,435	10/01/2003	Maria Hanna Joseph	18973-00001	7020

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EXAMINER

HENDERSON, MARK T

ART UNIT	PAPER NUMBER
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3722

DATE MAILED: 05/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/676,435

**Applicant(s)**

JOSEPH, MARIA HANNA

**Examiner**

Mark T. Henderson

**Art Unit**

3722

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 February 2006.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-6,11 and 13 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1,2,4-6,11 and 13 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

## **DETAILED OFFICE ACTION**

### **Faxing of Responses to Office Actions**

In order to reduce pendency and avoid potential delays, TC 3700 is encouraging FAXing or responses to Office Actions directly into the Group at (571) 273-8300. This practice may be used for filing papers, which require a fee by applicants who authorize charges to a PTO deposit account. Please identify the examiner and art unit at the top of your cover sheet. Papers submitted via FAX into TC 3700 will be promptly forwarded to the examiner.

1. Claims 1, 4-6, and 11 have been amended for further examination. Claims 3, 7-10 and 12 have been canceled. Claim 13 has been added.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 2, 4-6, 11 and 13 are finally rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

2. Claim 1 recites the limitation "the top" in line 2. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 2, 5 and 6 are finally rejected under 35 U.S.C. 102(b) as being anticipated by Boney (6,158,155).

Boney discloses in Fig. 1, 2 and 6, a method of providing printed information on at least a top of a plastic lid (10) for containers that have a lip (not shown); the lid (10) having a top (18) with top (22a) and bottom (22b) surfaces and an integral side circumference area (28 and 34) which fits over a lip of the container and is virtually perpendicular to the top of the lid; providing one or more labels (see Fig. 2); label comprising a top portion (20) that is removable attached to a bottom portion (40); the top portion having a top face (20a) is printed with information (66); the bottom portion (40) having a top face (40a) is printed with additional information (38) and

wherein the bottom face (40a) is adapted to be permanently (so as to not move when top portion is rotating) adhered in any manner to the top (18) of the lid (Col. 4, lines 25-30); and wherein the label is of any size or dimension to fit any style of lid.

4. Claims 1, 11 and 13 are finally rejected under 35 U.S.C. 103(a) as being unpatentable over Crum (5,022,526) in view of Boney.

Crum discloses in Fig. 1 and 2, a method of providing printed information comprising providing a lid (92) for a container (94), wherein the lid defines integral top (92a), side (92b) and bottom surfaces (92c); providing one or more stickers (23) comprising a top portion (50) that is removable attached (by adhesive (98) and perforated (or scored line (62)) and having a tear-off portion; the top portion (50 having a top face (see Fig. 3) that is printed with information; the bottom portion having a top face (43) that is printed with additional information (Col. 2, lines 45-50) and a bottom face adapted to be adhered (however, not directly) to the lid (see Fig. 2, 7 and 8).

However, Crum does not disclose containers that have a lip, wherein the lid having a top with top and bottom surfaces and an integral side circumference area, which fits over a lip of the container and is virtually perpendicular to the top of the lid.

Boney discloses in Fig. 1 and 2, a container that have a lip (not shown); the lid (10) having a top (18) with top (22a) and bottom (22b) surfaces and an integral side circumference area (28 and 34) which fits over a lip of the container and is virtually perpendicular to the top of the lid.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Crum's method with a container having a lip, wherein the lid has a top and bottom surfaces an integral side area which fits over the lip as taught by Boney for providing a lid which can fit over a drinking cup.

### ***Response to Arguments***

5. Applicant's arguments with respect to claims 1, 2, 4-6, 11 and 13 have been considered but are moot in view of the new ground(s) of rejection. Boney is now used to disclose a label on a container lid comprising two printed portions with the top portion removably attached to the bottom portion.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

***Prior Art***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Reidinger et al, McRobbie, Hendler et al, Godfrey, Crum, Rowbotham, Bank, Howes, Reichinger, Nilsson, Langan, Kartermann and Johnson disclose similar methods of displaying information on a container lid.

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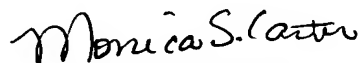
**Contact Information**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark T. Henderson whose telephone number is (571) 272-4477, and informal fax number is (571) 273-4477. The examiner can be reached on Monday-Friday from 9:00AM to 3:45PM. If attempts to reach the examiner by telephone are unsuccessful, the Examiner Supervisor, Monica Carter, can be reached at (571) 272-4475. The formal fax number for TC 3700 is (571) 273-8300.



MTH

May 7, 2006



**MONICA CARTER**  
**SUPERVISORY PATENT EXAMINER**